

Serial No. 10/015,419
Response dated October 14, 2005
Reply to Office Action of August 24, 2005

Attorney Docket No. EN11348

REMARKS/ARGUMENTS

Claims 1 through 10 remain in this application. Claim 10 has been allowed. Claims 1 and 4 have been amended.

Claims 1 through 4 are rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,805, 020 to Danz et al. ("Danz patent"). Also, claims 5 through 9 are objected to as being dependent upon a rejected base claim. It should be noted that the above Office Action, at the bottom of page 3, states "[t]he claim language fails to recite, '...a pulse train with a frequency that varies with the frequency of the audio signal...'. Thus, the Danz et al. rejection is maintained."

Claim 1 as amended provides, *inter alia*, a circuit capable of converting the audio signal to a pulse train having a frequency that varies with a frequency of the audio signal, and claim 4 as amended provides, *inter alia*, similar language. In contrast, the Danz patent describes a class D amplifier having a fixed, periodic frequency. The Danz patent does not describe or suggest a circuit capable of converting the audio signal to a pulse train having a frequency that varies with a frequency of the audio signal, as required by amended claims 1 and 4. Therefore, claims 1 and 4 distinguish patentably from the Danz patent.

Claims 2, 3 and 5 through 9 depend from and include all limitations of independent claims 1 and 4 as amended. Therefore, claims 2, 3 and 5 through 9 distinguish patentably from the Danz patent for the reasons stated above for independent claims 1 and 4.

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In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of claims 1 through 4 and the objection to claims 5 through 9 are respectfully requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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